

Faulk, Camilla

From: Terry Bloor [Terry.Bloor@co.benton.wa.us]
Sent: Monday, April 25, 2011 2:42 PM
To: Faulk, Camilla
Cc: Andy Miller; Peggie Arnold; Yessica Rosas
Subject: proposed CrR 4.11

Proposed CrR 4.11 resolves a dispute. Defense interviewers want to tape record the interviews of crime victims or witnesses. Sometimes crime victims or witnesses prefer not to be tape recorded. The rule resolves this dispute. It accomplishes nothing else. The rule has nothing to do with the accuracy of a witness's statements. In 30 years of criminal practice, and in over 300 felony jury trials, I have never--not once--seen a dispute about a witness statement in a defense interview which could be resolved with a tape recording.

The proposed rule won't crush the spirit or resolve of most crime victims, but it is one more indignity a victim or witness will have to live with. A witness shouldn't be tape recorded without his or her consent. Please do not adopt the proposed rule.